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E-FILED 4/25/06

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Case No. C 06-515 RS

Plaintiff,

STIPULATION OF DISMISSAL; ORDER

v.

LILLIE MAE SMITH, Trustee,
QUENTIN H. SMITH, Trustee,

Defendants.

_____ /

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The parties request the Court to retain jurisdiction for one year(s) from the

date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for one year(s) after the date hereof.

Date: April 25, 2006

Date: April 24, 2006

S/Thomas N. Stewart, III
Attorney for Plaintiff

S/Trevor J. Zink
Attorney for Defendants
Sweeny, Mason, Wilson & Bosomworth
983 University Avenue, Suite 104C
Los Gatos, Ca 95032-7637

I, Thomas N. Stewart, III, hereby attest that I have in my possession the holographic signature of Trevor J. Zink to this document.

April 25, 2006

S/Thomas N. Stewart, III
Attorney for Plaintiff

IT IS SO ORDERED:

Date: April 25, 2006



Judge